

Delegated Report



Planning Reference 25/00769/CLP

Applicant Mrs P Smith

Ward Cadeby, Carlton, Market Bosworth & Shackerstone

Hinckley & Bosworth
Borough Council

Application Site Hereford Cottage, Bull In The Oak Court, Bosworth Road,
Bull In The Oak, Cadeby

Proposal Certificate of proposed lawful development for single storey rear
extension to dwelling

1. Recommendations

- 1.1. **Refuse** Certificate of Lawful Proposed Development

2. Planning Application Description

- 2.1 This application seeks to obtain a certificate of lawful development for a proposed single storey rear extension to dwelling at Hereford Cottage, Bull In The Oak Court, Bosworth Road, Bull In The Oak, Cadeby

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north of Cadeby and east of Market Bosworth in the designated open countryside. The site is accessed from Bosworth Road to the south and Ashby Road ('the A447') is located approximately 35m to the east of the site.

The site comprises Hereford Cottage, which is single storey residential property that was originally a barn that was constructed in the late 19th century as part of the wider Old Farmhouse Complex. The Old Farmhouse is a 18th Century Grade II Listed Building. Two other structures associated with The Old Farmhouse have also been converted into residential uses such as Aberdeen Cottage to the east and Highland Cottage to the south. Five additional agricultural buildings were also converted into independent residential units via application 17/00149/FUL.

4. Relevant Planning History

00/00570/FUL

- EXTENSION TO DWELLING
- REF
- 17.08.2000

03/01097/FUL

- EXTENSIONS TO DWELLING
- REF
- 07.11.2003

5. Publicity

- 5.1. There is not statutory requirement to consult third parties on an application for a Lawful Development Certificate, and in the instance no public consultation has taken place.

6. Consultation

- 6.1. There is not statutory requirement to consult third parties on an application for a Lawful Development Certificate, and in the instance no consultation has taken place.

7. Policy

- 7.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Appraisal

- 8.1. The main consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 8.2. Please note Class A covers enlargements, alterations and improvements to dwellings, and therefore not all paragraphs are applicable to this proposal. For the purpose of Class A, the following criteria are applicable:

Development is not permitted if:-

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Permission to use the existing property as a dwellinghouse has not been granted by Class M, N, P or Q of Part 3 of this Schedule.

- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed extension would not exceed the height of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposed eaves of the extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which:-

- (i) Forms the principal elevation of the original dwellinghouse; or
- (ii) Fronts a highway and forms a side elevation of the original dwellinghouse

Page 7 of the Permitted Development Rights for Householders Technical Guidance within the National Planning Policy Framework defines the, “Principal elevation,” of a property as:

“In most cases... that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.”

Page 16 of this Technical Guidance then states:

“The extent to which an elevation of a house fronts a highway will depend on factors such as:

- (i) ***The angle between the elevation of the house and the highway. If that angle is more than 45 degrees, then the elevation will not normally be considered as fronting the highway;***
- (ii) ***The distance between the house and the highway – in which cases where that distance is substantial, it is unlikely that a building can***

be said to front the highway. The same may be true where there is a significant intervening area of land in different ownership or use between the boundary of the curtilage of the house concerned and the highway.”

Importantly, the Technical Guidance confirms that the front elevation of a property is not exclusively considered to be the principal elevation of a dwelling.

As per the Application Form, the postcode for this application site is CV13 0DW, which is associated with Bosworth Road to the south of the site.

The existing property is a converted barn that is constructed within a courtyard arrangement associated with the Grade II Listed Old Farmhouse. In light of this historical arrangement, the front elevation of the property faces to the east and into this existing courtyard, and the rear elevation of the dwelling faces to the west.

Although the Technical Guidance suggests that an elevation that is angled more than 45 degrees from the road is not normally considered to front the highway, due to the historical arrangement of the property, the front and rear elevations of the dwelling are sited almost perpendicular to Bosworth Road.

The southern side elevation is attached to Highland Cottage as part of an under-croft structure, and in light of these factors, this side elevation is not considered to be the principal elevation of the application dwelling.

Based on historic satellite imagery of the site, the orientation of the property leans more to the north-north-west at the northern end of the property, and to the south-south-west to the southern end of the property. This demonstrates that the western rear elevation is angled closer to Bosworth Road than the eastern front elevation of the property.

The front elevation of Hereford Cottage is also separated from Bosworth Road by Highland Cottage to the south of the site and is therefore not considered to front the highway. In addition, the application site benefits from a vehicular access to the west of the property and based on historic satellite imagery this access to the west of the dwelling serves the off-street parking provision for the property.

By virtue of these factors, including the location of the main highway that serves the property, the location of the vehicular access and parking for the property to the west of the site, the orientation of the dwelling and the location of its key elevations, it is considered that the principal elevation of Hereford Cottage is its western rear elevation.

As a result, it is considered that the proposed extension would extend beyond the principal elevation of the original dwellinghouse and would front the public highway. Therefore, the proposal would not meet the limitations of Paragraph (e) of Class A of this Part and would not represent permitted development.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The development is not on Article 2(3) land and therefore this paragraph is not applicable to the current proposal.

- (g) For a dwellinghouse not on article 2(3) land nor on a site of specific scientific interest the enlarged part of the dwellinghouse would have a single storey and-
- (i) Extend beyond the rear wall of the dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) Exceed four metres in height;

The development would not extend beyond the rear wall by more than 6 metres and would not exceed 4 metres in height.

- (h) The enlarged part of the dwellinghouse would have more than one storey and:-
- (i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension would be single storey in nature.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the eaves of the development would not exceed 3 metres in height.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would :-

- (i) Exceed 4 metres in height
- (ii) Have more than a single storey, or
- (iii) Have a width greater than half the width of the original dwellinghouse

The proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The enlargement does not adjoin any existing enlargement therefore Paragraph JA is not relevant in this case.

(k) It would consist of or include:-

- (i) The construction or provision of a verandah, balcony or raised platform,
- (ii) The installation, alteration or replacement of a microwave antenna,
- (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) An alteration to any part of the roof of the dwellinghouse

The proposed extension would not consist of, or include, any of the works detailed within K(i), (ii), (iii), or (iv) of this Class.

(l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The existing dwelling was not built under Part 20 of this Schedule.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)

The existing property is not on Article 2(3) land and therefore A.2 of this Class I not applicable in these site-specific circumstances.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application

- 9.3. There are no known equality implications arising directly from this development.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Based on the submission the proposed extension would not comply with the relevant provisions set out in sub-paragraph (e) which does not permit development to extend beyond the original wall of the principal elevation. Development is therefore not permitted under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1. Refuse Certificate of Lawful Proposed Development

- 11.2. This application has been determined having regard to the following documents and plans submitted with the application, which were submitted to the Local Planning Authority on 13 August 2025:

- Application Form
- Decision Notice – 89/00224/4
- Existing Ground Floor Plan, Rear Elevation, Drg No. 25-016 0101
- Existing, Proposed Roof Plan, Drg No. 25-016 0102
- Planning Statement
- Proposed Ground Floor Plan, Rear Elevation, Drg No. 25-016 0102
- Proposed Floor Plan, Section, Drg No. 25-016 0103
- Proposed Site Plan, Drg No. 25-016 0104
- Site Location, Existing Block Plan, Drg No. 25-019 0100